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Application Number: 10/706,421

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## REMARKS

In an office action mailed on 12/30/2008, Claims 1-4 and 6-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Synnestvedt et al., United States Patent Number 6,598,057 (hereinafter Synnestvedt). Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Synnestvedt. Claims 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Synnestvedt in view of Bahlmann, United States Patent Number 6,393,478 (hereinafter Bahlmann).

Claims 19-25 are cancelled without prejudice.

The Applicant first wishes to thank the Examiner for examination of the application. In the most recent office action, in response to applicant's argument that the present applicant creates a config file that governs firmware switches executed by the EMTA to switch on and/or off subsets of PacketCable specified functionality, the Examiner asserted that Applicant's argument is not commensurate with the scope of the claim. The Examiner asserted that claim 1 does not recite the limitation of "creates a config file that governs firmware switches executed by the EMTA to switch on and/or subsets of PacketCable specified functionality" (emphasis added) and that therefore, Synnestvedt discloses the claimed feature.

Claims 1 and 10 have been amended to unambiguously recite creating a configuration file that governs switches executed by the network device to switch on and/or off subsets of standardized network equipment configuration parameters according to the representative values in the configuration file, in which the representative values in the configuration file do not comprise the multiple configuration parameters of the representative subsets themselves.

The claims describe a system and process of setting the operational behavior of a particular device via selection of values representing subsets of configuration parameters. Each value represents a subset of a larger standardized set of configuration parameters. A configuration file on a server is written with the values representing the subsets of configuration parameters. Thus, a

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configuration file for a specific device is generated (written) with values representing subsets of standardized configuration parameters, not with the parameters themselves. These values are then applied to a network device to enable or disable subsets of standardized configuration parameters by setting software switches.

Rejection of Claims 1-4 and 6-18 under 35 U.S.C. 102(e) as being anticipated by Synnestvedt et al.

Synnestved teaches generating a configuration file for an EMTA comprising the actual parameters supported by the DOCSIS/PacketCable specifications. The present claims are directed to generating a configuration file comprising parameters that represent subsets of PacketCable functionality in the EMTA itself. The parameters of the configuration file of the present claims may be applied to create a customized executable load via firmware "switches" that respond to the parameters to select functional subsets already available in the EMTA. The configuration file of Synnestved is simply a different thing altogether; it is a collection of the actual DOCSIS parameters to apply in the EMTA. No such actual DOCSIS parameters are present in the configuration file of the present claims.

None of the other cited references teach or suggest the features of the claims that are lacking from Synnestved. Therefore, all of the present claims are patentable over Synnestved, alone or in combination with the other cited references.

#### Conclusion

In view of the above amendments and remarks, applicant believes that this application is now in condition for allowance. Applicant respectfully requests that a Notice of Allowability be issued covering the pending claims. If the Examiner

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believes that a telephone interview would in any way advance prosecution of the present application, please contact the undersigned.

Signature     /Charles A. Mirho/     Date: 03/30/2009  
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